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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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12 CORNELIO CALAYAG,

13 Plaintiff,

CIV. S-05-0086 LKK PAN PS

14 v.

15 JOHN E. POTTER, POSTMASTER
16 GENERAL, UNITED STATES POSTAL
SERVICE,

FINDINGS AND RECOMMENDATION

17 Defendant.
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19 On December 1, 2005, this court dismissed plaintiff's
20 complaint for failure to state a prima facie case of
21 discrimination under Title VII but granted leave for plaintiff to
22 serve and file an amended complaint within twenty days.

23 Plaintiff has not responded to the order.

24 Accordingly, I recommend this action be dismissed
25 pursuant to Fed. R. Civ. P. 12(b)(6).

26 These findings and recommendations are submitted to the

1 Honorable Lawrence K. Karlton, the United States District Judge
2 assigned to this case. 28 U.S.C. § 636(b)(1). Written
3 objections may be filed within ten days after being served with
4 these findings and recommendations. The document should be
5 captioned "Objections to Magistrate Judge's Findings and
6 Recommendations." The failure to file objections within the
7 specified time may waive the right to appeal the District Court's
8 order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

9 Dated: January 18, 2006.

10 /s/ Peter A. Nowinski

11 PETER A. NOWINSKI

12 Magistrate Judge
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